UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	X
PAMELA LOVE, Plaintiff, v.	CV Civil Aog n 40.72
URBAN OUTFITTERS, INC., and DOES 1 through 10, inclusive, Defendants.	(JUR DEAGLED VE
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COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff Pamela Love, for her Complaint against Defendants Urban Outfitters, Inc. ("Urban Outfitters"), and Does 1 through 10 inclusive, alleges the following on knowledge as to Plaintiff and, otherwise, on information and belief:

SUMMARY OF ACTION

- 1. Plaintiff Pamela Love is a well-known jewelry designer. Ms. Love's designs draw from her passion for nature and science, as well as her interests in astronomy, astrology, religion, magic and folk jewelry. She also draws inspiration from her deep connection to the American Southwest. Ms. Love's designs have been featured at New York Fashion Week and in numerous publications, including Vogue and Elle magazines. Ms. Love's jewelry products are sold through high-end web based retailers and at brick and mortar stores such as Barneys and Neiman Marcus.
- 2. Ms. Love has valid, registered copyright rights in many of her original designs, one of which is her "Small Bear Ring" design (See Exhibit A). This

design has been well-known for several years in the market place and has been depicted in well-known magazines (See e.g. Exhibit B).

- 3. Ms. Love also has valid, registered copyright rights in her "Ridged Cuff" design (See Exhibit C). This bracelet features thick bronze with five ridges and asymmetrical details. (See Id.). It was prominently displayed at Fashion Week in New York City in September 2010, and is part of Ms. Love's "Spring Collection 2011." This collection is "an exploration of a rare combination of astrological lunar phases and alchemy with ethnic ornamentation." (See Exhibit D). "[Ms. Love] was inspired by traditional Indian and African beliefs crafting a collection that she believes exemplifies jewelry as a form of protection." Id. This "Ridge Cuff" has been depicted in well-known fashion magazines. (See, e.g. Exhibit E)
- 4. As described herein, Defendant Urban Outfitters, including by and through its affiliated brands Free People and Anthropologie, has knowingly and intentionally caused the manufacture of, advertised, and sold infringing, unauthorized copies of Ms. Love's "Small Bear Ring" and "Ridged Cuff" designs.
- 5. Defendant Urban Outfitters and/or its subsidiaries are very familiar with Ms. Love. In fact, on several occasions, Defendants sought to partner with Ms. Love or to sell her designs. However, the parties have never reached any agreement on distribution of Ms. Love's products or a design partnership.
- 6. On information and belief, there are other entities and individuals that: (a) manufacture, supply, distribute and/or sell the infringing products to Urban Outfitters, or; (b) are the agent, employee, principal, or co-conspirator of Urban Outfitters and have acted within the scope of such agency, employment, conspiracy, joint venture or partnership relations in committing the acts alleged herein.
- 7. Plaintiff is ignorant of the true identities and participation of the entities and individuals described in Paragraph 6 of this Complaint and therefore sues them

by the fictitious names of Does 1 through 10. Plaintiff will seek to amend the Complaint to state the true identities of Does 1 through 10 when ascertained.

8. Ms. Love has been injured by Defendants' infringement of her original jewelry designs. In particular, Defendants have sold or are selling inferior knockoffs of Ms. Love's high-end and meticulously crafted jewelry products. Consequently, Defendants' actions negatively impact the reputation and desirability of Ms. Love's products.

JURISDICTION AND VENUE

- 9. This complaint alleges causes of action for copyright infringement under the Copyright Laws of the United States, 17 U.S.C. §101 et seq.
- 10. The Court has subject matter jurisdiction in this action pursuant to 28 U.S.C. §1331 and §1338, and under the principles of supplemental jurisdiction, 28 U.S.C. §1367.
 - 11. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

FACTUAL BACKGROUND

- 12. Pamela Love first displayed her "Small Bear Ring" design to the public in 2008. Since then, the ring has been commercially successful and has been depicted in numerous fashion magazines.
- 13. Ms. Love first displayed her "Ridge Cuff" design to the public at New York Fashion Week in 2010 as part of the unveiling of her "Spring Collection 2011." The "Ridge Cuff" and other works from Ms. Love's "Spring Collection 2011" have received much publicity, including in the print fashion press and also on the internet.
 - 14. Upon information and belief, Defendant Urban Outfitters is a Pennsylvania

corporation with a principal place of business at 5000 South Broad Street, Philadelphia, Pennsylvania 19112-1495.

- 15. Upon information and belief, Urban Outfitters has offered for sale and sold infringing copies of Ms. Love's copyrighted and registered "Small Bear Ring" and "Ridge Cuff" designs through its Free People and Anthropologie stores in this judicial district, as well as throughout New York State. Additionally, Urban Outfitters advertises, offers for sale and sells its products through its websites www.freepeople.com and www.anthropologie.com, and has sold and shipped the infringing copies of Ms. Love's designs to consumers in this judicial district and throughout New York State.
- 16. Urban Outfitters has sold and/or is selling a ring called the "Fighting Bears Ring" (Exhibit F). The "Fighting Bears Ring" is a near-identical knockoff of Ms. Love's original "Small Bear Ring" design.
- 17. Reviews on www.freepeople.com show that Urban Outfitters' "Fighting Bears Ring" is a very poor quality product. Customers complained that: the "metal is super cheap and brittle", the ring "SPLIT IN HALF" after only a "gentl[e] squeeze", and Urban Outfitters' ring was "a complete waste of money." (See Exhibit G). Customers also made other disparaging statements about Defendants' product, especially regarding its poor quality.
- 18. In addition, Defendant Urban Outfitters, through its Anthropologie stores and through www.anthropologie.com, has sold and/or is selling copies of Ms. Love's original "Ridged Cuff" design. Images of Urban Outfitters' copy of Ms. Love's "Ridged Cuff" bracelet are attached hereto as Exhibit H. Urban Outfitters calls its copy of Ms. Love's original design the "Pleated Bracelet". (See Exhibit H). The Urban Outfitters' "Pleated Bracelet" is a very close copy of Ms. Love's "Ridge Cuff" design as has very similar proportions to Ms. Love's original design.

COUNTI

(Copyright Infringement of the "Small Bear Ring")

- 19. Plaintiff realleges Paragraphs 1 through 18 as if fully set forth herein.
- 20. This cause of action arises under the Copyright Laws of the United States, Title 17 U.S.C. § 101 et seq.
- 21. One of Ms. Love's popular and widely-publicized designs is the "Small Bear Ring." This design has been available to consumers through high-end retailers, both online and in brick and mortar stores, since 2008.
- 22. Ms. Love's "Small Bear Ring" design is wholly original and is copyrightable under the Copyright Laws of the United States, 17 U.S.C. §101 et seq.
- 23. Ms. Love has previously duly complied with the provisions of the Copyright Laws of the United States, and has secured rights and privileges in and to the "Small Bear Ring" design, and has obtained from the Register of the Copyrights a Certificate of Registration pertaining to said design, identified as "Design No. PLSBR," Copyright Registration No. VA1-778-449, and registered on June 20, 2011. A copy of the Certificate of Copyright Registration and images deposited with the U.S. Copyright Office are attached hereto as **Exhibit A**.
- 24. All authorized copies of the "Small Bear Ring" have been sold by and/or used in conformity with the provisions of the Copyright Laws of the United States.
- 25. Upon information and belief, Defendants, having full knowledge of the copyright rights of Plaintiff in and to the "Small Bear Ring" design as alleged herein, infringed Plaintiff's copyright rights by providing, advertising, displaying, causing the manufacture of, and selling cheap knockoff reproductions of Ms. Love's "Small Bear Ring" design, in violation of Plaintiff's rights under 17 U.S.C. § 106(1) and § 106(3). In fact, the quality of Defendants' knockoff copies of the

"Small Bear Ring" are so poor that various consumers posted complaints on Defendant Urban Outfitters' website, www.freepeople.com, about the inferior quality of Defendants' product. (See Exhibit G)

- 26. Defendants' activities have caused harm to Plaintiff, and Defendants have profited from their acts of infringement. Upon information and belief, the activities of Defendants have diminished and will continue to diminish the exclusivity, inherent value and marketability of the "Small Bear Ring" design, especially given the inferior, cheap knockoff quality of the infringing copies.
- 27. All of the acts of Defendants as set forth in the preceding paragraphs were undertaken without the permission, license, or consent of Plaintiff, and are irreparably damaging to Plaintiff.

COUNT II

(Copyright Infringement of the "Ridge Cuff")

- 28. Plaintiff realleges Paragraphs 1 through 27 as if fully set forth herein.
- 29. This cause of action arises under the Copyright Laws of the United States, Title 17 U.S.C. § 101 et seq.
- 30. One of Ms. Love's original designs is the "Ridge Cuff." Ms. Love's "Ridge Cuff" design is wholly original and is copyrightable under the Copyright Laws of the United States, 17 U.S.C. §101 et seq.
- 31. Ms. Love has previously duly complied with the provisions of the Copyright Laws of the United States, and has secured rights and privileges in and to the "Ridge Cuff" design, and has obtained from the Register of the Copyrights a Certificate of Registration pertaining to said design. The "Ridge Cuff" design is identified as "PLS1B5B" on Copyright Registration No. 1-432-825, which is for Ms. Love's "Spring Collection 2011." This collection was registered

with the Copyright Office with an effective date of July 7, 2011. (See Exhibit C).

- 32. All authorized copies of the "Ridge Cuff" have been sold by and/or used in conformity with the provisions of the Copyright Laws of the United States.
- 33. Upon information and belief, Defendants, having full knowledge of the copyright rights of Plaintiff in and to the "Ridge Cuff" design infringed Plaintiff's copyright rights by providing, advertising, displaying, causing the manufacture of, and selling knockoff reproductions of the "Ridge Cuff" in violation of Plaintiff's rights under 17 U.S.C. § 106(1) and § 106(3).
- 34. Defendants' activities have caused harm to Plaintiff, and Defendants have profited from their acts of infringement. Upon information and belief, the activities of Defendants have diminished and will continue to diminish the exclusivity, inherent value, and marketability of the "Ridge Cuff" design.
- 35. All of the acts of Defendants as set forth in the preceding paragraphs were undertaken without the permission, license, or consent of Plaintiff, and are irreparably damaging to Plaintiff.

DAMAGES

36. Plaintiff has been damaged by the acts of Defendant as alleged in Counts I and II, in an amount as yet unknown, but which if continued will be in excess of \$150,000. Plaintiff will amend her Complaint, at or before trial, to conform to proof of the amount of her actual damages.

WHEREFORE, Plaintiff demands:

A. That Defendants, their subsidiaries, agents, servants, related companies, and all parties in privity with it, or any one of them, be enjoined preliminarily and permanently from infringing Plaintiff's copyright rights in her "Small Bear Ring" and "Ridge Cuff" designs, either by manufacturing, causing the

manufacture of, displaying, distributing, selling, promoting and/or advertising these jewelry designs at issue, and any other products that are substantially similar to Plaintiff's above-listed designs;

- B. That Defendants be required to deliver up to be impounded during the pendency of this action all products bearing infringement of Plaintiff's copyrighted designs;
- C. That Defendants be required to pay Plaintiff such damages as Plaintiff has sustained as a consequence of Defendants' infringement and to account for all gains, profits and advantages derived by Defendants, from said infringements, and that such award for damages be trebled due to the willful and wanton nature thereof;
- D. That Defendants be responsible for enhanced statutory damages due to the willful, blatant and repeated nature of their infringement;
- E. That Defendants pay Plaintiff for the costs of this action and for Plaintiff's reasonable attorney's fees, as the Court may allow Plaintiff, and;
- F. That Plaintiff be granted such other and further relief as the Court may deem just.

JURY DEMAND

Plaintiff demands a trial by jury.

GOTTLIEB, RACKMAN & REISMAN, P.C. Attorneys for Plaintiff 270 Madison Avenue, 8th Floor New York, New York 10016-0601 (212) 684-3900

Richard S. Schurin (RS 0199)

rschurin@grr.com

Ariel S. Peikes (AP 9157)

apeikes@grr.com

Dated: New York, New York May 1, 2012

Exhibit A

Certificate of Registration Procument 1 Filed 05/02/12 Page 11 of 35



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Registration Number VA 1-778-449

Effective date of registration:

Telephone:

June 20, 2011

Register of Copyrights, United States of America

Title of Work: Style No. PLSBR

Completion/Publication

Year of Completion: 2007

Date of 1st Publication: February 1, 2008 Nation of 1st Publication: United States

Author: Pamela Love

Author Created: jewelry design

Citizen of: United States Domiciled in: United States

Year Born: 1982

Copyright Claimant: Pamela Love

113 West 27 Street, Suite 3, New York, NY, 10001, United States

Rights and Permissions _____

Organization Name: Gottlieb, Rackman & Reisman, P.C.

Name: Richard S. Schurin

Email: rschurin@grr.com

Address: 270 Madison Avenue

8th Floor

New York, NY 10016 United States

Certification

Name: Ariel S. Peikes

Date: June 20, 2011

Applicant's Tracking Number: 5821/001

212-684-3900

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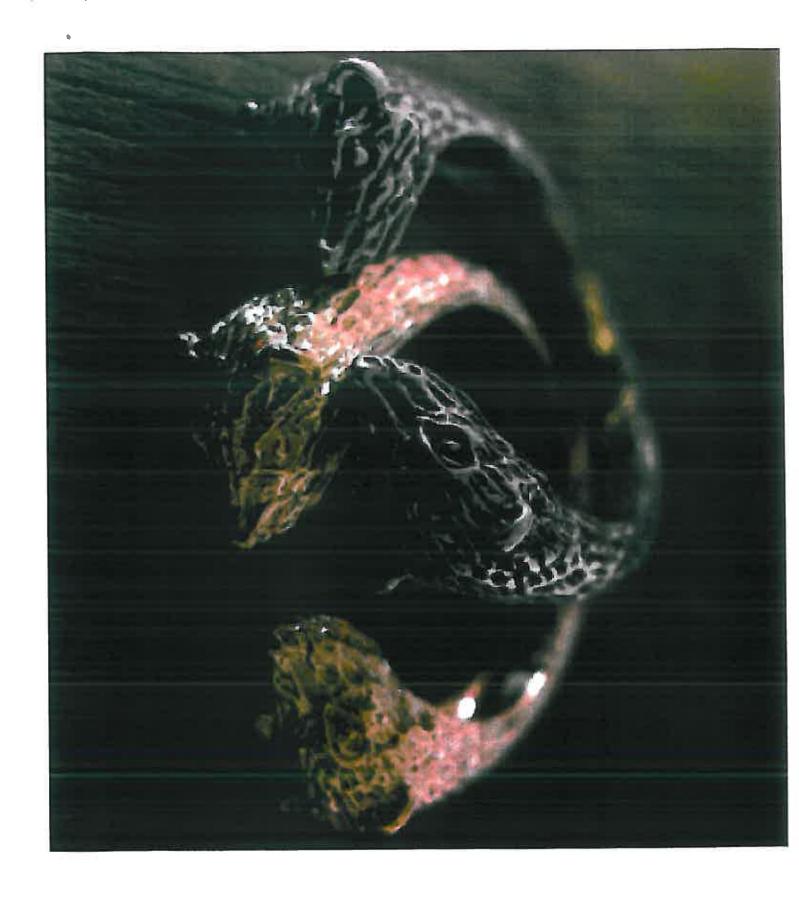
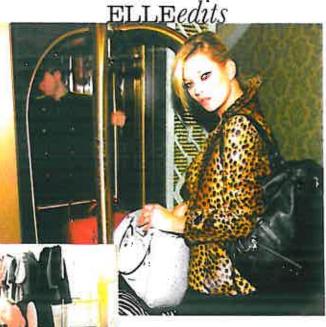


Exhibit B

Tcollaborated with Longehamp because I knew we would produce some great pieces,' Kate Moss





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The latest fashion BUZZ for this SEASON'S m

naves

Necklace earrings, and ring all by Pameia Love

THE NEW CHOOS

The iconic vertiginous neel, the classic flat, the sublime round too, the perfect platform-Tamara Melion's nevy 24/7 collection (in store now is a copsule range highlighting the utimale style icons from the JIMMY CHOO archives Welove these snakeskin giadiator sandais Prices stant at £395, enq (020) 7493 5858.



Longchamp for eight seasons, KATE MOSS has now turned her hand to designing a luxury RANGE of accessories for them, too. Prices start at £350; enq katemossfor

longchamp.com

WHAT KATE DID NEXT

As the face of





NET GAINS ELLE'S ICO PO I I BABEL MARANT knows no bounds, but actually getting ourhands on it has necessitated Fashion Week pilgrimages to her store in Paris Nationger Nei-a-porter has snapped up the s/s range, And white we're fealous that a stana-

aione Marant store is opening in New York in Morch, we're excited to hearthat a London flagship might follow







designer PAMELA LOVE Timobsessed with nature and science,' says the 27-year-old, whose costume and set design background snines through in her tairy-tale gothic creations. We love the signature ring (below) and the gold antier earrings intertwined with daggers, from £65, enqliberty co.uk.

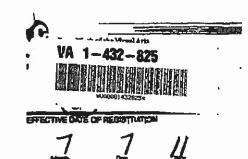
Exhibit C

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Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.



Maria A. Pallante

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 indicate which basic form you are continuing in the space in the upper right-hand corner.

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 it with the basic form.
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Space A of this sheet is intended to identify the basic application.
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CONTINUATION SHEET RECEIVED

Page 3 of 4 pages

FORM A /CON UNITED STATES COPYRIGHT GIRCE

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IDENTIFICATION OF CONTINUATION SHEET: This sheet is a continuation of the application for copyright registration on the basic form submitted for the following work:

TITLE: Give the title as given under the heading "Title of this Work" in space 1 of the basic form.
 "Spring Collection 2011"

A:

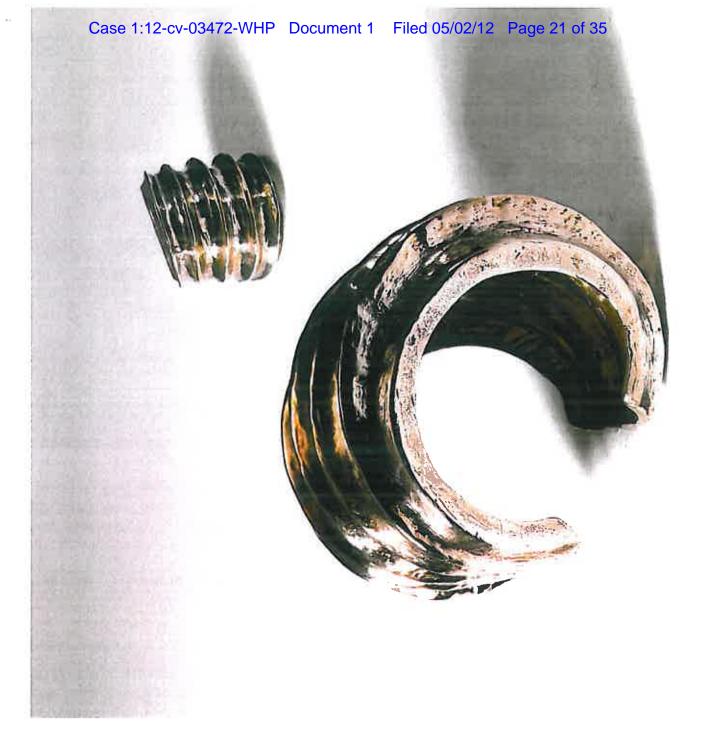
 NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S): Give the name and address of at least one copyright distract as given to space 4 of the basic form or space 2 of any of the Short Forms PA, TX, or VA.

Pamela Love, 143 West 29 Street, New York, NY 10001

	NAME OF AUTHOR ▼ Propels Love		DATES OF BIRTH AND DEATH YEAR DEAD YEAR DEAD Y		
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Framela Love explores alchemy in her SS11 collection

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By IBTIMES STAFF REPORTER Subscribe to IBTimes's RSS feed

October 1, 2010 4 34 PM EDT

Pamela Love's Spring Summer 2011 (SS11) collection was recently unveiled at the exclusive M.A.C//MILK STUDIOS at New York Fashion Week, 3 years into the jewelry business and the Brooklyn born has never failed to entice the world with her hand-hewn Gothic designs and styling accessories.

(Photo: Pamela Love handou) / Fite) Machania Santone bronze and sitver

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The SS11 collection is an exploration of a rare combination of astrological lunar phases and alchemy with ethnic ornamentation. The designer was inspired by traditional Indian and African beliefs crafting a collection that she believes, exemplifies jewelry as a form of protection.

Initially working as an assistant with the Italian painter, Francesco Clemente, Love gradually found herself drawn to hand-crafted metal and crystal work. In 2006, Love established her first label in the city of New York and has, since then, continued to experiment with unique and exotic materials to craft challenging designs.

This season, Pamela made a deviation from her signature macabre style playing with new patterns and contours. Apart from diamonds, 14K gold, silver, sapphires and rubies, she introduced new materials to her collection like Resin, Wood and Howlite. Coherent pieces of varying heights and proportions made an entry into a unified collection. Get a glimpse of her latest collection, the SS11 slideshow.



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Q&A

Overall Rating

Fighting Bears Ring Style: 17718404

7 reviews | write a review

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A silver ring with open center and two bear faces at the opposite ends.

* Steel

* Imported

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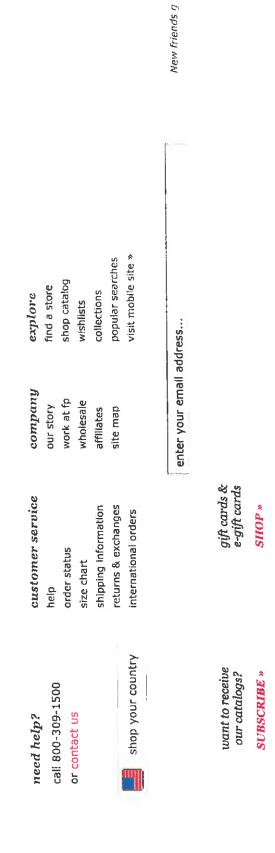
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Exhibit G

Print Reviews



This product is no longer available. Continue shopping at Free People.

Fighting Bears Ring

A silver ring with open center and two bear faces at the opposite ends. * Steel * Imported

overall average rating:

安女女女

3.6 out of 5 (7 Reviews)

Customer Reviews for Fighting Bears Ring

Choose a sort order

name: kim090902

location: new york

age: 26-30

body type: athletic

really unique

5.5.2010 - "I love this ring. Its so different and not something you would find just anywhere. I don't think that they are bears though, id say that they are lerrets or gophers. It makes it a great conversation piece. Like other reviewers have stated it does turn your finger green, even though I was told it wouldnt. Either way, for the price, I give it a thumbs up*

overall rating:



sizing:



runs true to runs small size large

Review 2 for Fighting Bears Ring

name: SRM

location: Eire

age: 21-25

body lype: pelile

Incredibly Disapointing

3.31.2010 - "I saw this ring online and I had to have it. When it arrived I was thrilled I thought it was the quirklest ring I had seen in a long while. I put it on immediately in an effort to tighten the ring around my finger I gently squezed the ring together(very gently). But it broke. IT SPLIT IN HALF!Incredible disappointed a complete waste of money."

overall rating:



sizing:



runs true to runs small size large

Review 3 for Fighting Bears Ring

name:

mollyem location:

Absolutely stunning!

TOP 250 CONTRIBUTOR

3.25.2010 - "This is my new favorite ring. I'm not a big fan of the over sized statement rings, so this is perfect for me. It fits perfectly, which I didn't expect because I find FP rings are usually much bigger on me. Love IT!!"

overall rating:



sizing:



runs runs true to small large size

age. 14-20

New York NY

body type:

pelile

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Review 4 for Fighting Bears Ring

name: Lindsaybug Awesome concept disappointing follow-through

location **New York** 3.10.2010 - "i fell in love with this ring as soon as i saw it. the first day i wore (just a few hours) it started to turn my finger

green :(

age: 26-30 i've been afraid to wear it because I can afready see some

copper-y color showing through the silver.

I'm considering ways to preserve it with some sort protectant

because i just love it...

body type: curvy

how sad that it isn't sterling silver"

overall rating:

**

Review 5 for Fighting Bears Ring

Pooky

age

21-25

Love this ring

location: Boulder, CO 2.24.2010 - "This ring is phenomenal. It's sized between 7 and 8, sturdily, and isn't meant to be adjusted (as another reviewer noted). The ring is unloue, quirky and eye-catching, but wears well with a variety of colors and styles. And as a silly side remark, I don't think these are "fighting bears" at all; they look like they're about to kiss. I'm tempted to stock up on a few of these rings, just on the off-chance that I lose or break mine.*

body type. athletic

overall rating:



Review 6 for Fighting Bears Ring

name

Loulee

Broke!!!

TOP 25 CONTRIBUTOR

location Washington

2.18.2010 - "I was told by FP customer service that this ring was adjustable, IT IS DEFINITELY NOT. It looks like you can squeeze it tight but it just broke right in half. The metal is super cheap and brittle. It was so adorable though! I if you are around a size 7 or 8 and you dont plan to try and adjust the size then

body type:

21-25

you should do ok. Very disappointed, if I would have known that I wouldn't have bought it-going back, in 2 pieces."

overall rating:



Review 7 for Fighting Bears Ring

name. KitKattastic

LOVE LOVE LOVE!

NUMBER ONE CONTRIBUTOR

location Dallas

age:

21-25

1.22.2010 - "Exactly as pictured! I'm not sure if you are supposed to adjust the ring, but I wouldn't plan on being able to. I didn't, and will not try to. It's most likely a size 7 based off which finger i was able to fit the ring on. (Pointer, like on the model.) It's so unusual, and worth every penny. I've already received plenty of compliments on it and have only had it a

body type: athletic

day!!!*

overall rating:



Exhibit H

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Pleased Bracelet STYLE# 10921097

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